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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

AMINI, JAVID A

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,552

Applicant(s)

HIGGINS ET AL.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,13-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/10/05; 2/2/04; 4/1/03</u> | 6) <input type="checkbox"/> Other: _____ |

Interview summary dated June 09, 2005

We discussed the claim languages such as "a boundary" and "a shape", which are not defined in the specification. The following questions rose after the interview and Applicant requires to clarify them: What is the definition for a boundary in claim 1? What are the relationship between the boundary and the shape that Applicant used in the last line of the claim 1? What are the coordinates designated for converting the first and the second maps?

Response to Arguments

Applicant's arguments filed May 10, 2004 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 1, 13-17 and 19-23 have been considered but are moot in view of the new ground(s) of rejection.

Examiner responded to some of the remarks. Applicant on page 8 of remarks argues that the reference Tamano does not anticipate Applicant's claimed invention, and the Examiner must demonstrate the presence of each and every element of the claim in issue.

Examiner's reply: Examiner agrees that the elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Applicant on page 9, first paragraph argues that Tamano does not teach a method including at least the limitations in claim 1 lines 4-9.

Examiner's reply: Examiner provides the broad definition for the claim language that Applicant used as a "geographic region" i.e. Geographic region is concerning the topography (i.e. the surface features of a place or region) of a specific region. Applicant broadly claims converting first coordinates into another coordinates using georeferencing function. Applicant does not explicitly specify how the conversion converts the coordinates? Since the identity of terminology

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is not required, according to the 15 USPQ2d 1566 (Fed. Cir. 1990), then Examiner interprets the first and second coordinates in claim language into first and second images in fig. 4 of the reference Tamano. The two images have been illustrated with two different coordinates, meaning the X and Y coordinate of image 1 (i.e. X1, Y1) is corresponding to X and Y coordinate of image 2 (i.e. X2, Y2). The data conversion is done using link info. table, see fig. 4. Fig. 5 illustrated two maps, which are related to coordinates of the images, but the points 41 and 40 are representing the same location on two different images that Applicant claims as first and second maps, and Applicant does not specify the type of maps (e.g. vector or raster maps).

Regarding to Applicant's amended claim 1, lines 12-13, the reference Tamano teaches from mentioned prior art "ARISTOWN" col. 1 lines 15-35, if attribute information is to be retrieved on the basis of the shapes or positional relations of objects present on displayed geographic information, a vector map which represents the objects by using vectors is prepared in advance, and, in addition, a correspondence which links the vector map and the descriptive data (attribute information) to each other is input.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 13-17 and 19-23 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim

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languages such as "a boundary" and "a shape" are not defined in the specification. The response to the following questions may enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

What is the definition for a boundary in claim 1? What are the relationship between the boundary and the shape that Applicant used in the last line of the claim 1? What are the coordinates designated for converting the first and the second maps?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 13-17 and 19-20 rejected under 35 U.S.C. 102(e) as being anticipated by

Tamano et al. (herein after referred as a Tamano U.S. patent number of 6032157).

1. Claim 1,

As per claim 1, "selecting a boundary of a geographic region, which is present on both a first map and a second map, in the first map", Tamano in figs. 3-5 illustrates the limitation of the claim language. Applicant claims that "Converting first map coordinates designating the boundary of the geographic region selected on the first map into geographic coordinates using a georeferencing function of the first map; converting the geographic coordinates to corresponding second map coordinates designating the boundary of the geographic region on the second map using a georeferencing function of the second map; ", Tamano in col. 2, lines 40-66 discloses

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that Image information linked with attribute information is hereinafter called first image information, and image information which approximately positionally corresponds to the first image information is called second image information and is not linked to the attribute information. Specifically, an object contained in the second image information is used as a key, and the attribute information linked with the first image information is retrieved by inputting a correspondence between the second image information and the first image information via the key, i.e. by selecting an object in the second image information. “automatically adjusting a boundary of the second map to conform to the shape of the geographic region”, Tamano teaches from mentioned prior art “ARISTOWN” col. 1 lines 15-35, if attribute information is to be retrieved on the basis of the shapes or positional relations of objects present on displayed geographic information, a vector map which represents the objects by using vectors is prepared in advance, and, in addition, a correspondence which links the vector map and the descriptive data (attribute information) to each other is input. Tamano in col. 8 lines 34-54 and also in figs. 10 and 11 illustrates it is possible to simultaneously choose a part in the first image information 1 and a part in the second image information 2 so that these parts can be linked to each other, an efficient retrieval is realized. Figs. 11(a) through 11(e) corresponds to figs. 10(a) through 10(e), respectively.

2. Claim 13,

“Further comprising receiving a user input to select a new geographic region in the first map”, the step is inherent because the user must be able to interact with new limitation and add new parameters to georeferenced map. Tamano in cols. 2 and 3 lines 66-67 and 1-14 discloses that there are user choices of display and operation, including: overlying the second image

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information with the second image information, or vice versa, in display; moving either the displayed first image information or the displayed second image information to correct the overlying relation between the display positions of the first image information and the second image information; and changing the area of overlay, causing new areas of the first image information to overlie the second image information. Accordingly, the attribute information is retrieved in response to inputting of an object choice from the second image information, as if through the inputting the second image information and the attribute information were directly connected to each other., and also see fig. 9 step 2200.

3. Claim 14,

“Further comprising determining a plurality of georeferenced coordinates for the new geographic”, the step is inherent because the user must be able to interact with new limitation and add new parameters to georeferenced map. See also rejection of claim 13.

4. Claim 15,

“Further comprising determining a plurality of georeferenced coordinates for a new boundary in the second map, such that the new boundary coordinate of the second map correspond to a new boundary coordinates in the first map”, the step is inherent because georeferenced coordinates with new limitations will be affecting other maps that are using the coordinates from reference data. See also rejection of claim 13.

5. Claim 16,

“Further comprising configuring the new boundary of the first map for display”, the step is inherent. See rejection of claim 13.

6. Claim 17,

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Further comprising configuring the new boundary of the second map for display, the step is inherent. See also rejection of claim 13.

7. Claim 19,

Further comprising: receiving a user input to select a new boundary of a new geographic area in the first map; determining geographic coordinates for the new boundary in the first map; determining geographic coordinates for a new boundary of the new geographic area in the second map such that the geographic coordinates for the new boundary in the second map relate to the new boundary in the first map. For more details explanation see rejection of claim 1, Tamano in fig. 5 selected a point 41 on image 2 and point 40 on image 1. Examiner's interpretation: The selected points are considered as new boundaries (i.e. X1, Y1; X2, Y2) selected by a user. Referring to fig. 5, any selected point has a new boundary on XY coordinate.

8. Claim 20,

See rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Tamano, and further in view of Martin Reddy, Lee Iverson, Yvan G. Leclerc (hereinafter, Reddy).

9. Claims 21-23,

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The rejection of claim 1 applies to the rejection of claims 21-23. The only element that Tamano does not explicitly specify is the transparency option in claims 21-23, lines 3, 5 and 6 respectively. However, the reference Reddy on page 24 first col. in second and third paragraphs teaches the modeler can now specify coordinates in a system such as UTM and the GeoCoordinate node will transparently convert the data into a Cartesian frame and correctly position these coordinates in the global model, see fig. 2 on page 24. The motivation to combine Reddy into Tamano is as follows: deal with data in a variety of different coordinate systems, each applicable for a different task. For example, the Mercator projection is often used for navigation or for maps of the equatorial region while the Lambert Conformal Conic is used for topographic maps by the U.S. Geological Survey (USGS) [11]. To engage geoscientists in 3-D computer graphics, we need to make it easy for them to visualize their data rapidly in a familiar form, as well as provide solutions for disseminating these data over the Internet. GeoVRML 1.0 introduces a small set of new nodes for VRML97 to perform these important tasks.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 571-272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JEFFERY BRIET
PRIMARY EXAMINER

Javid A Amini
Examiner
Art Unit 2672

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